IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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THURSDAY, THE TWENTY FIFTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

* * *

WP.No.18581 OF 2005

Between:

Bikkina Sitarambabu & Ors. … Petitioners

Versus

The Collector,

Visakhapatnam district & Ors. … Respondents

Counsel for the Petitioners: Mr.TVS Prabhakar Rao

Counsel for the Respondents: GP for Revenue

O R D E R :

This writ petition is filed questioning the action of the respondents in interfering with their peaceful possession and enjoyment over an extent of Acs:3-11 cents situate in RS.No.144/9 in Patta No.179 of Madurawada village of Visakhapatnam Rural Mandal without recourse to law particularly issuance of notice to them and opportunity of hearing as illegal, arbitrary and consequently direct the respondents not to interfere with the possession of the said property.

The case of the petitioners is that they have purchased an extent of Acs:3-11 cents situate in RS.No.144/9 in Patta No.179 of Madurawada village of Visakhapatnam Rural Mandal from their vendors under sale deed dated 9-4-1997 vide document no.436 of 1997 registered in the office of Sub-Registrar, Madhurawada. The vendors of the petitioners in turn have purchased the said extent of land under sale deed dated 24-8-1994 vide document no.1225 of 1994 registered in the office of the Sub-Registrar, Madhurawada. The vendors of document no.1225 of 1994 have purchased the said extent of land under sale deed dated 26-2-1970 vide document no. 710 of 1970.

While things stood thus, the petitioners submit that after a lapse of more than 35 years, the officials of the respondents have visited the said property in the last week of July 2005 and instructed their staff to evict them from some part of the property. The petitioners learnt that one Mr.P.B.Kumar had filed an application seeking settlement of the property claiming issuance of patta in survey no.144/1, which is a Government land as per revenue record and orders have passed by the Settlement Officer in his favour.

Now the main grievance of the petitioners is that without issuing any notice and without hearing them, the respondents cannot have any right to interfere with their peaceful possession and enjoyment over the said land. Therefore, apprehending danger the present writ petition is filed.

When the matter is listed today under the caption 'for admission' the learned Government Pleader under instructions submitted that it is a private land and the respondents are not interfering with the possession and enjoyment of the petitioners over the said land.

Recording the submission made by the learned Govt.Pleader and without going into merits of the case, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondents to follow due process of law before contemplating any action of interference with the peaceful possession and enjoyment of the petitioners over an extent of Acs:3-11 cents situate in RS.No.144/9 in Patta No.179 of Madurawada village of Visakhapatnam Rural Mandal without recourse to law particularly issuance of notice and opportunity of hearing the

petitioners.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 25th, 2005. ----------

l s L. ELIPE DHARMA RAO , J.